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FISCAL IMPACT STATEMENT

LS 6101

BILL NUMBER: SB 96

NOTE PREPARED: Apr 15, 2009

BILL AMENDED: Apr 14, 2009

SUBJECT: Addiction Counselors and Paramedics.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR: Rep. C. Brown

BILL STATUS: As Passed House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Board Name Change*- The bill provides for a license for addiction counselors. The bill changes the name of the "Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board" to the "Behavioral Health and Human Services Licensing Board" (BHHS LB) and adds members.

Appointing Authority of BHHS LB- The bill makes changes to the appointing authority of the members of the BHHS LB.

Addiction Counselor Licensing- The bill requires addiction counselors and clinical addiction counselors to be licensed. The bill establishes requirements and procedures for an individual to be licensed as an addiction counselor or clinical addiction counselor. The bill prohibits a person who is not licensed as an addiction counselor from using certain titles or certain words in a title.

Study of Paramedics- The bill requires the Health Finance Commission (HFC) to study issues concerning paramedics.

Conforming Changes- The bill makes conforming changes. The introduced version of this bill was prepared by the Commission on Mental Health.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Board Name Change*- The Professional Licensing Agency (PLA) would have to change the letterhead on stationary and other informational materials. The Department of

Administration would change application forms. Expenditures for these changes would likely be minimal.

Addiction Counselor Licensing- Two members would be added to the renamed BHHS�B. Currently, each board member who is not a state employee is entitled to the minimum salary per diem allowed under law. Each board member is also entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties. The increase to state expenditures is unknown, but is likely to be minimal.

In addition, the BHHS�B would be required to establish examinations for both addiction counselors and clinical addiction counselors.

If the PLA were to need an additional COMOT staff member to process license applications, the additional cost would be approximately \$37,400 per year. This cost would include salary, fringes, and other indirect costs.

The bill does not provide an appropriation. If no additional appropriations occur, the PLA would have to carry out the provisions of the bill within their existing level of resources. The PLA reverted \$514,160 to the state General Fund at the end of FY 2008.

Study of Paramedics- The study would have to be conducted during the 2009 summer interim. This provision will not have a fiscal impact since the study can be conducted under the current Legislative Council's policies of interim study committees.

Explanation of State Revenues: (Revised) *Addiction Counselor Licensing-* The annual amount of revenue that would be raised from licensing fees is indeterminable. The bill would grandfather addiction or clinical addiction counselors that hold a valid Level II or higher certification from a Division of Mental Health and Addiction-approved credentialing agency that file for licensure; or have certification as an addiction counselor or therapist prior to January 1, 2010. Additional exemptions would include individuals with at least three-years evidence of experience in addiction counseling, no criminal record that could directly affect ability to practice, and holds a license as a social worker, clinical social worker, marriage and family therapist, mental health counselor, or psychologist. Clinical addiction counselors that meet the above criteria would be exempted from paying the initial license fee.

Additionally, the BHHS�B *may* exempt a person that before July 1, 2010, holds a bachelor's degree in human services or behavioral science discipline; a valid Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse; or certification from the International Certification and Reciprocity Consortium; and not convicted of a crime within the last two years.

Applicants not meeting grandfathering requirements would pay a fee to be determined by the proposed BHHS�B. Other license types served by the existing board have a \$50 application and renewal fee, and a temporary permit is \$25. The National Association of Alcohol and Drug Abuse Counselors (NAADAC) has 31 and the National Board for Certified Counselors (NBCC) has 28 addiction counselors or therapists listed with an Indiana address. If all 59 persons qualified for exemption, the waived fee revenue would equal \$2,950.

There are approximately 990 practicing substance abuse/behavioral disorder counselors in Indiana. It is unknown how many of the 990 are members could qualify for exemption from paying the initial license fees. If 60 persons did not have to pay fees, then the PLA could have about 930 persons (990-60) to license. If a

\$50 fee were assessed, then the PLA could raise an estimated \$46,500 initially from counselors (assuming all apply).

Penalty Provision- A person violating certain provisions of the bill would commit a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: *Penalty Provision-* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Professional Licensing Agency; Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; Department of Administration.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *Indiana Handbook of Taxes, Revenues, and Appropriations*; U.S. Bureau of Labor Statistics; NAADAC; NBCC; Professional Licensing Agency; Indiana State Budget Agency: *General and Rainy Day Fund Summaries, June 30, 2008*.

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